

**ARKANSAS DEPARTMENT OF EDUCATION  
PROPOSED REVISIONS TO THE RULES AND REGULATIONS  
GOVERNING SPECIAL EDUCATION EXPENDITURE REQUIREMENTS**

5.00 SPECIAL EDUCATION

5.01 CALCULATING THE MINIMUM EXPENDITURE REQUIREMENT FOR  
SPECIAL EDUCATION

- 5.01.1 The minimum budgeted expenditure per capita on behalf of special education students must be equal to the expenditure requirement for the most recent fiscal year for which information is available, consistent with maintenance of effort requirements under the federal Individuals with Disabilities Education Act (IDEA).

5.02 ELIGIBLE EXPENDITURES

5.02.1 MEETING THE MINIMUM EXPENDITURE REQUIREMENT ON BEHALF  
OF STUDENTS WITH DISABILITIES

- 5.02.1.1 Any expense incurred by a local education agency as a result of providing special education and related services to eligible individuals with disabilities may be budgeted and counted as meeting the expenditure requirement.
- 5.02.1.2 Maintenance and operating costs of a district may be charged as special education expenses on a pro-rated basis consistent with the instructions for completing the consolidated state and federal application for the use of funds under the IDEA.
- 5.02.1.3 Costs for building and/or upgrading facilities for special education services may be charged as special education expenses on a pro-rated basis consistent with the instructions for completing the consolidated state and federal application for the use of funds under the IDEA.
- 5.02.1.4 A local education agency may count for purposes of meeting the minimum expenditure any expenditures for services/supports which *benefit* students with disabilities including, but not necessarily limited to, the following:
- A. Broad-based staff development activities which provide staff with skills and knowledge that will improve instruction for all children.
  - B. Instructional materials and supplies, including technology, which will enhance the learning environment and improve instruction for all children.

- C. Trained instructional paraprofessionals to increase the ability of the teacher to address the diverse learning and behavioral needs of all students within the classroom or other instructional setting.
- D. Specialized staff, such as school psychology specialists and licensed social workers, to increase access to specialized services that may be needed to meet the diverse learning and behavioral needs of all students within a building or district.
- E. Specialized services for students with diverse learning and behavioral needs who may not be identified as eligible students under the IDEA.
- F. Special Education and related services to eligible students with disabilities, ages 3 to 5 (or kindergarten), may be counted to meet the minimum expenditure requirement.
- G. Pre-referral interventions for students not yet identified as eligible students with disabilities under the IDEA.
- H. Services for students who are qualified under Section 504 of the Rehabilitation Act of 1973, but who are not eligible under the IDEA.
- I. Services and support for students exiting special education services who are no longer receiving services in accordance with an IEP.

### 5.03 WAIVER OF STATE AND LOCAL EXPENDITURES FOR COMPLIANCE WITH FEDERAL NONSUPPLANT

5.03.1 Local education agency applications for federal funds under the IDEA must meet the nonsupplanting requirements in the amendments to the Individuals with Disabilities Education Act (IDEA, 1997).

5.03.2 Section 613(a)(2)(B) of the 1997 IDEA states: a local educational agency may reduce the level of expenditures where such reduction is attributable to:

- A) the voluntary departure, by retirement or otherwise, or departure for just cause, of special education personnel;
- B) decrease in the enrollment of children with disabilities;
- C) the termination of the obligation of the agency, consistent with this part, to provide a program of special education to a particular child with a disability that is an exceptionally costly program, as determined by the State educational agency, because the child:
  - (I) has left the jurisdiction of the agency;

(II) has reached the age at which the obligation of the agency to provide a free appropriate public education to the child has terminated; or

(III) no longer needs such program of special education; or

D) the termination of costly expenditures for long-term purchases, such as the acquisition of equipment or the construction of school facilities.

5.03.3 To qualify for an allowance under 5.03.2(D) a district must incur the cost within a single year rather than amortize the cost against the district's required expenditure as is currently provided within the consolidated application for the use of state and federal funds for special education.